HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO.22 OF 2005.
IN
PETITION NO. A-611 OF 1999.

Sujit @ Ramkrishna Ganesh Lawande ..Appellant.
Versus.
Mrs. Supriya Ramkrishna Lawande. ..Respondent.

Mr. Owen Monezes i/b Mr. R.S.Tripathi for the appellant.

Mr. Sambhaji S. Babar i/b Mr. Harshal Mirashi for the respondent.

CORAM: S.B.MHASE &
D.B.BHOSALE, JJ.

DATE: MARCH 31, 2005.

P.C.

1. Learned counsel for both sides are present. The appellant-husband and respondent-wife are also present. The parties have arrived at an amicable settlement and they have tendered consent terms.

2. Initially, an application was filed for divorce on the ground of cruelty. However, the said application filed by the husband was rejected by the Family court and the said judgment and decree is under challenge in this appeal. Now, the parties have agreed to convert this application into an application for **Divorce by Mutual Consent under Section 13-B of the Hindu Marriage Act.**

3. Since we have noticed that the marriage has broken long back and the parties are residing separately for more than 6 months and there is no possibility of resuming the conjugal relations between the parties, we waive the period of 6 months provided in the Act for the pendency of such application. Therefore, we accept the consent terms which provide for the dissolution of the marriage by mutual consent under section 13-B of the Hindu Marriage Act. The consent terms have, however, provided that said dissolution is subject to the payment of Rs.7.50 lacs to be made by the appellant-husband to the respondent-wife as and by way of permanent alimony and other claims. The consent terms have further made provision in respect of Police Cr.No.359 of 1999 and the ornaments and articles involved in the said case. It has further made provision in respect of Case No. 726/P/1999 pending in the Metropolitan Magistrate Court at Bandra, Mumbai. It is agreed that the appellant shall take out the necessary proceedings for quashing of the said case and respondent will not object to the same.

4. We have enquired with the parties as to whether they have understood the contents of the consent terms. Both the parties, namely, husband and wife state before us that they have understood the consent terms and thereafter they have signed the same. We find that the these consent

terms have been arrived at by the parties without being in any manner influenced by any factor or pressure. The consent terms are voluntarily entered into by the parties. Therefore, we accept the same. We further accept the undertaking given by the husband in Clause-IV of the consent terms in respect of the payment of Rs.7.5 lacs in lumpsum within a period of six weeks from today. We accordingly pass the order that the decree passed in Family Court Petition A-611 of 1999 is hereby set aside and is substituted by a decree in terms of the present consent terms. In addition to that, we direct that the payment of Rs.7.5 lac to be made by the husband to the wife, shall be made by way of demand draft drawn in the name of the respondent-wife payable at Belgaum, Bank of Maharashtra, Branch at Belgaum, where the respondent wife is having bank account.

5. Decree be drawn up accordingly.

6. The appeal stands disposed off accordingly.

7. In view of the disposal of the appeal, civil application, if any, does not survive. It is accordingly disposed off.

(D.B.BHOSALE,J.) **(S.B.MHASE, J.)**

:srp/2005/